

1 A JOINT MEMORIAL

2 REQUESTING THAT THE OFFICE OF CULTURAL AFFAIRS DETERMINE THE
3 EXTENT TO WHICH THE STATE OWNS LANDS THAT PREVIOUSLY WERE
4 COMMON LANDS OF A SPANISH OR MEXICAN LAND GRANT-MERCED.
5

6 WHEREAS, community land grants-mercedes have existed in
7 New Mexico since the beginning of Spanish settlement in the
8 early sixteenth century; and

9 WHEREAS, many land grants-mercedes lost control of the
10 community lands of the original grants through dishonest,
11 unjust or illegal means; and

12 WHEREAS, the rights, privileges and immunities
13 guaranteed to the people of New Mexico by the Treaty of
14 Guadalupe Hidalgo are preserved inviolate by the constitution
15 of New Mexico; and

16 WHEREAS, the Protocol of Queretaro preserves the legal
17 values of the land grants-mercedes possessed by the heirs,
18 notwithstanding the striking of Article X of the Treaty of
19 Guadalupe Hidalgo in ratification;

20 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
21 STATE OF NEW MEXICO that the office of cultural affairs,
22 records and archives and the office of the attorney general,
23 in connection with other federal or state agencies, conduct a
24 study to determine the extent to which lands that were
25 formally part of the common lands of a land grant-merced now

1 belong to the state and how the land was obtained or acquired
2 by the state and report the results of the study to the
3 legislature not later than November 1, 2004; and

4 BE IT FURTHER RESOLVED that, if the facts show that land
5 that was once a part of the common lands of a land
6 grant-merced was obtained through dishonest, unjust or
7 illegal means and is now owned by the state, the office of
8 cultural affairs, records and archives and the office of the
9 attorney general determine what actions are required for the
10 land to be returned to the heirs of the land grant-merced;
11 and

12 BE IT FURTHER RESOLVED that copies of this memorial be
13 transmitted to the office of cultural affairs, records and
14 archives and the office of the attorney general. _____

15
16
17
18
19
20
21
22
23
24
25